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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PERIENNE DE JARAY,

Plaintiff,

v.

ATTORNEY GENERAL OF CANADA
FOR HER MAJESTY THE QUEEN,
CANADIAN BORDER SERVICES
AGENCY, GLOBAL AFFAIRS CANADA
fka DEPARTMENT OF FOREIGN
AFFAIRS AND INTERNATIONAL
TRADE CANADA, GEORGE WEBB,
KEVIN VARGA, and PATRICK LISKA,

Defendants.

No.: 2:16-cv-00571

PLAINTIFF'S MOTION FOR
EXTENSION OF TIME TO RESPOND
TO DEFENDANTS' MOTION TO
DISMISS PENDING RULING ON
MOTION FOR DISCOVERY

NOTE ON MOTION CALENDAR:
FRIDAY, OCTOBER 14, 2016

I. RELIEF REQUESTED

Plaintiff Perienne de Jaray requests the Court extend the deadline to respond to Defendants' motion to dismiss pending the Court's ruling on Plaintiff's motion for discovery.

II. STATEMENT OF FACTS

Defendants filed their motion to dismiss on September 29, 2016.

1 Plaintiff's response is due by October 17. In their motion, Defendants request
 2 that the Court dismiss this case for lack of jurisdiction and based on the
 3 doctrines of *forum non conveniens*, "act of state," and "international comity."¹
 4 Defendants base their arguments on the unsupported assertions that the
 5 wrongful conduct occurred in Canada and that all witnesses are located in
 6 Canada.²

7 Plaintiff's damage did not arise solely out of the wrongful conduct in
 8 Canada. The cause of Plaintiff's damage was the Defendants' wrongful actions
 9 taken to involve U.S. law enforcement—including the FBI and the U.S.
 10 Attorney's Office in Seattle—and to conduct an investigation on U.S. soil, which
 11 largely occurred in Washington State. Defendants now argue that it would be
 12 inconvenient and improper to answer for that conduct in a U.S. court in
 13 Washington State.

14 Plaintiff is preparing her motion for leave to seek discovery necessary to
 15 respond to Defendants' factual assertions about the location of the wrongful
 16 conduct and the witnesses involved. Plaintiff will file her motion within one
 17 week.

18 Because that motion will not be decided before the deadline to respond to
 19 the motion to dismiss, Plaintiff files this motion to extend the deadline to
 20 respond.

21 **III. ISSUE PRESENTED**

22
 23 Should the Court extend the deadline to respond to Defendants' motion

24
 25 ¹ Defendants' Motion to Dismiss Complaint at pp. 20-24 [Dkt. No. 22].

26 ² *Id.*

1 to dismiss pending the Court's ruling on Plaintiff's motion for discovery?

2 3 4 **IV. ANALYSIS**

5 Federal Rule of Civil Procedure 6(b)(1) permits the Court to extend a
6 deadline for "good cause" shown. Local Rule 7(j) provides that a party should
7 request relief from a deadline "sufficiently in advance of the deadline to allow
8 the court to rule on the motion prior to the deadline."

9 Pursuant to the parties' stipulation, Defendants filed their motion to
10 dismiss on September 29 and noted the motion for consideration on October
11 21. Plaintiff's response is due by October 17. Plaintiff, however, requires
12 additional information to respond to Defendants' arguments related to *forum*
13 *non conveniens*, "act of state" doctrine, and "international comity" doctrine.

14 Pursuant to this Court's order,³ Plaintiff is preparing her motion for leave
15 to seek discovery and will file that motion within one week. Plaintiff requests
16 the Court extend the deadline to respond to Defendants' motion to dismiss
17 pending the Court's ruling on Plaintiff's motion for discovery.

18 **V. CONCLUSION**

19 Plaintiff respectfully requests the Court extend the deadline to respond to
20 the motion to dismiss pending the Court's ruling on Plaintiff's motion for
21 discovery.

22
23
24 ³ Order Denying Plaintiff's Motion for FRCP 16 Conference at p.3 ("Plaintiff has
25 failed to make a showing that discovery is needed to respond to the as-yet-
26 unfiled Rule 12 motion, but Plaintiff may move at a later date to request that
discovery and an extension of the deadline to respond to the Rule 12 motions.")
[Dkt. No. 21].

1 DATED: October 6, 2016

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